

Remarks

Claims 1-13, 16-22, 26-30, 32, and 36-54 are pending in this application. By the foregoing amendment, Applicants seek to: amend claims 1-13, 16-20, 22, 26, 32, 36-38, 44, 45, 47, and 51-52; cancel claims 14-15, 23-25, 31, and 33-35; and add new claim 54. These changes are believed to be fully supported by the specification and are not believed to introduce new matter. Thus, it is respectfully requested that the amendments and additions be entered by the Examiner. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and that they be withdrawn.

Claim Objections and Rejections Under 35 U.S.C. § 112

Claim 52 has been amended to depend from claim 51. Claim 47 has been amended so as to further define the eye-to-eye separation as that of the applicant.

Rejections under 35 U.S.C. § 102

Claims 1-5, 7-38, 40-41, and 44-53 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,002,937 to Tal (hereinafter "Tal"). Applicant respectfully traverses this rejection.

Claim 1 recites in part:

1. (Currently Amended) A security method of controlling access of human beings to a secure item, the method comprising the steps of:

(1) *retrieving an identification code from an identification object;*

(1a) *retrieving feature data from a memory using said identification code, said retrieved feature data representative of facial features of a first person;...*

In summary, claim 1 has been amended so that the facial feature data of the first person (e.g. card owner) is stored in a memory, and the facial feature data of the first person is retrieved using an identification code that is carried by the identification object. (*See*, amended claim 1) This allows the facial feature data of the first person to be stored remotely in a central location if need be.

Tal does not store the facial feature data in a memory that is accessed using an ID code carried on the ID object, as recited in amended claim 1. Instead, Tal stores the facial features on the ID card, which requires a larger amount of storage on the card when compared to storing only the ID code on the card. (*See*, Tal, Col. 3, 45-50). Further, even though Tal digitizes and processes the facial feature data using a computer (*See* Tal, col. 10, lines 61-64), Tal makes no mention of retrieving the facial feature data from a memory using an ID code, as is recited in Applicants' claim 1.

Based on the above, Tal does not teach each and every feature of amended claim 1, and therefore does not anticipate amended claim 1. Paine does not cure the deficiencies of Tal. Independent claims 20, 36, 44, and 51 are allowable for at least the reasons mentioned above in addition to their own patentable features. Accordingly, Applicants request that the rejection under 35 U.S.C. § 102 be removed and that these claims and their respective dependent claims be passed to allowance.

Independent claims 22 and 26 have been amended so that the feature data of the card owner and the applicant *includes a forehead-to-chin separation distance*. Tal teaches various facial features including eye-to-eye, eye-to-mouth, eye-to-nose, and mouth-to-nose separation distances. (*See*, Tal, Col. 3, lines 22-45) However, Tal makes

no mention of a forehead-to-chin separation distance. Accordingly, Tal does not teach each and every feature of independent claims 22 and 26 and therefore does not anticipate independent claims 22 and 26. Accordingly, Applicants request that the rejection under 35 U.S.C. § 102(b) be removed and that these claims and their respective dependent claims be passed to allowance. It is further noted that dependent claims 9 and 48 also include this forehead-to-chin separation feature, and therefore are similarly allowable.

Rejections under 35 U.S.C. § 103

Claims 6 and 39 were rejected under 35 U.S.C. 103(a) as being obvious over Tal in view of U.S. Patent 6,072,894 to Payne. Claims 6 and 39 depend from respective independent claims 1 and 36. Claims 1 and 36 are allowable over Tal and Payne for the reasons discussed above. Therefore, claims 6 and 39 are allowable over the cited art for depending from an allowable base claim.

Claims 42 and 43 were rejected under 35 U.S.C. 103(a) as being obvious over Tal in view of U.S. Patent 5,973,731 to Schwab. Claims 42 and 43 depend from claim 36, which is allowable over Tal for the reason discussed above. Schwab does not cure the deficiencies of Tal. Therefore, claims 42 and 43 are allowable for being dependent on an allowable base claim 36.

Miscellaneous

It is noted that the present application claims priority to U.S. Provisional Application No. 60/181,510, filed on February 10, 2000. However, the provisional priority was not indicated on the "Office Action Summary" Page, Box 13.

Also, an IDS was filed on March 2, 2001. However, the 1449 was not returned with the present Office Action. A duplicate 1449 has been submitted herewith to document consideration of the cited reference.

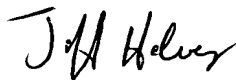
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Attorney for Applicants
Registration No. 44,757

Date: 6/9/04

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
MQL/JTH/agj
SKGFDCI270517v1